

REMARKS/ARGUMENTS

These remarks are submitted in response to the Non-Final Office Action dated March 3, 2006 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due.

As requested at page 3 of the Office Action, Applicants affirm their election to prosecute the inventions of Group I (Claims 1-6, 11-13, and 16). Accordingly, in response to the restriction requirement, Claims 7-10, 14, 15, and 17 directed to the inventions of Group II are withdrawn without prejudice to Applicants right to pursue the claims through a separate prosecution.

Applicants thank the Examiner for acknowledging at pages 3 and 7 of the Office Action that Applicants' previous submission was sufficient to overcome the rejections based on the earlier-cited references. In the Office Action, however, Claims 1-6, 11-13, and 16 were rejected on new grounds. Claims 1-6, 11-13, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,160,995 to Kiwsani, *et al.* (Kiswani) in view of U.S. Patent No. 6,697,474 to Hanson, *et al.* (Hanson).

Applicants have amended independent Claims 1, 11, and 16 to emphasize certain aspects of the invention. Applicants also have amended dependent Claims 2, 3, 4, and 5 to further emphasize certain aspects of the invention and to maintain consistency among each of the claims. The amendments, as discussed herein, are fully supported throughout the Specification. (See, e.g., Specification, paragraph [0019], at pages 6-7; and paragraphs [0022] and [0023] at pages 7-8.) No new matter has been introduced by the amendments.

Applicants' Invention

It may be helpful at this juncture to reiterate certain aspects of Applicants' invention. One embodiment of the invention, typified by Claim 1, as amended, is a method to enable instant collaboration via the use of pervasive messaging. The method

can include receiving a call from a caller to a callee and transferring the call to a voicemail system when the callee is unavailable.

The method further can include determining whether the callee is available via instant messaging and querying the caller to determine whether the caller wishes to leave a voice message or an instant message. In the event that the caller elects the option of leaving a text message, according to the method, a voice message from the caller to the callee is recorded. A text message is then generated by transcribing the voice message so that the text message can be conveyed to the callee. (See, e.g., Specification, paragraph [0019], at pages 6-7; and paragraphs [0022] and [0023] at pages 7-8.)

The Claims Define Over The Prior Art

As already noted, independent Claims 1, 11, and 16 were each rejected as being unpatentable over Kiswani in view of Hanson. Kiswani is directed to a method for "uniform call termination treatment" in a global telecommunication network that includes wireless subscriber units. (See, e.g., Col. 1, lines 37-48 and Col. 2, lines 25-29; see also Abstract, lines 1-4.) Hanson is directed to a system for establishing a telephone call between a calling party and a called party, wherein the system identifies the called party and determines whether the called party is "currently connected to a data network." (See, e.g., Col. 1, line 66 – Col. 2, line 26; see also Abstract, lines 1-9.)

Applicants respectfully submit that neither Kiswani nor Hanson, alone or in combination with one another discloses every feature recited in independent Claims 1, 11, and 16, as amended. For example, neither reference teaches or suggests the generation of a text message by transcribing a voice message from a calling party for delivery to a called party, as recited in each of the amended claims.

Kiswani does not teach or suggest such a feature. Moreover, although Hanson teaches the sending of both voice messages and text messages, Hanson nowhere teaches or suggests the sending of a text message generated by transcribing a voice message.

Hanson discloses the sending of *voice* messages via instant messaging if a called party's plain old telephone service (POTS) line is unavailable but the called party is connected to a data communications network. Specifically, Hanson provides "a mechanism through which a [called party] may receive a telephone call placed over a public switched telephone network via [the called party's] instant messaging," which is intended to "effectively serve as a virtual second telephone line" for receiving a voice communication. (Col. 1, line 66 – Col. 2, line 6; see also Col. 2, lines 18-26; Col. 2, line 66 – Col. 3, line 4; and Col. 8, line 9-14.)

With Hanson, a calling party may be prompted to indicate whether the calling party wishes to leave "a voice message." (Col. 8, lines 46-54.) If so, a "voice message" is recorded and either stored or delivered to the called party's IM application. (Col. 8, lines 55-60.) Hanson does not provide text to the called party by transcribing the recorded message, however. In order for the calling party to leave a text message, Hanson provides a wholly separate mechanism. Hanson's mechanism for the sending of text message does not entail transcribing a recorded message, but rather the connecting of the calling party to the called party's instant messaging client for submission of a "facsimile message." That is, Hanson requires that the text message be submitted as a text message; no mechanism is provided for generating the text by first transcribing a recorded message from the calling party. With Hanson, the text message begins as a text message; it is not generated from a recorded message.

Accordingly, Kiswani and Hanson, alone and in combination with one another, fail to teach or suggest every feature recited in independent Claims 1, 11, and 16, as amended. Applicants respectfully submit, therefore, that the amended claims define over the prior

art. Applicants further respectfully submit that whereas dependent Claims 2-6, 12, and 13 each depend from one of the amended independent claims, these claims likewise define over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

Date: **June 5, 2006**



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